

IN RE: PETITION FOR ZONING VARIANCE
Corner W & Jefferson Avenue
S/S Pennsylvania Avenue
(200 East Pennsylvania Avenue)
9th Election District
4th Councilmanic District
424 Virginia Ave. Ltd. Part.
Petitioners

* BEFORE THE *
* ZONING COMMISSIONER *
* OF BALTIMORE COUNTY *
* Case No. 90-104-A *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a street corner setback of 4 feet in lieu of the required 10 feet, and a rear yard setback of 9 feet in lieu of the required 20 feet, for a proposed office building with ground floor parking in accordance with Petitioner's Exhibits 1 and 2.

The Petitioners, by Deborah C. Dopkin, Esquire, appeared and testified. Also appearing on behalf of the Petition were George E. Gavrellis, Planning Consultant with Deft-McCune-Walker, Inc., and Les Graef, Executive Director, Towson Development Corporation. Michael A. Miller, a representative of the Northeast Towson Improvement Association, Inc., appeared as a Protester.

Testimony indicated that the subject property, known as 200 East Pennsylvania Avenue, consists of 1.248 acres split zoned B.M.-C.T. and R.O. and is currently unimproved. Said property was the subject of a prior zoning Case No. 86-468-X in which a special exception for a Class B office building was granted on May 14, 1986. Mr. Gavrellis testified that Petitioners are desirous of proceeding with their plans to construct the proposed office building, which will have ground floor parking, on the subject site. However, testimony indicated the requested variances are required due to the proposed widening of Jefferson Avenue and existing

improvements, which will result in the proposed ground floor parking area being located 4 feet from the corner of Jefferson Avenue on the east side and 4 feet from the rear property line on the west side. Mr. Gavrellis testified that the materials and design of the proposed building will be compatible with surrounding uses and that as to the relief requested, the proposed building will meet all other building code and zoning requirements. Further testimony indicated that landscaping will be provided along Pennsylvania Avenue and that an interior courtyard will provide additional greenery. Counsel for Petitioners testified the relief requested meets the requirements set forth in Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Mr. Graef testified in support of the Petition indicating that in his opinion as an experienced planner, the proposed plans comply with the zoning regulations for the B.M.-C.T. district.

Mr. Miller testified in general opposition to the proposed building indicating that the proposed design and architecture will be aesthetically contrary to the surrounding historical black community. He further testified that the community was never made aware of the proposed development and that in his opinion, the proposed project will have an adverse impact upon the aesthetics of the surrounding neighborhood.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soler*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of December, 1989 that the Petition for Zoning Variance to permit a street corner setback of 4 feet in lieu of the required 10 feet, and a rear yard setback of 9 feet in lieu of the required 20 feet, for a proposed office building with ground floor parking in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The proposed 6-foot high privacy fence to be erected along the rear property line shall be installed prior to the issuance of any occupancy permits.

3) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the revised comments submitted by the Office of Planning dated November 16, 1989, which have been submitted hereto and made a part of the file.

JRH:bja
J. Robert Haines
Zoning Commissioner
for Baltimore County

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-184-A

The undersigned, legal owner(s) of the property situate in Baltimore County, Maryland, described in the description and plat attached hereto and make a Petition for a Variance from Section 235.2 in paragraph A, street corner setback of four (4) feet from widened Jefferson Avenue instead of the required ten (10) feet, and from Section 235.3 to permit a rear yard of nine (9) feet instead of the required twenty (20) feet of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
424 Virginia Avenue Limited Partnership
(Type or Print Name)
By: *Edmund H. Halls*
Signature: *Edmund H. Halls*
(Type or Print Name)
Signature: _____
(Type or Print Name)
City and State: _____

Attorney for Petitioner:
Deborah C. Dopkin
(Type or Print Name)
Address: 200 East Pennsylvania Avenue
Towson, Maryland 21204
City and State: _____

405 Alleghany Avenue
Towson, Maryland 21204
City and State: _____

Attorney's Telephone No.: 825-1099
200 E. Pennsylvania 296-3333
Address: _____

ORDERED By The Zoning Commissioner of Baltimore County this 20 day of Sept 1989 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation approved by the Zoning Commission of Baltimore County, that the public hearing be held before the Zoning Commission of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, Maryland, on the 20 day of Oct 1989 at 11 A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

45 min - 121K
after the hearing
taken on 7/2/89

Description
To Accompany Zoning Petition
0.94 Acre Parcel
South Side of Pennsylvania Avenue
West Side of Jefferson Avenue
Ninth Election District, Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Pennsylvania Avenue, variable width, with the centerline of Jefferson Avenue, 45 feet wide (1) Southwesterly 37 feet, more or less, measured along the centerline of Jefferson Avenue, and thence running (2) Northwesterly at right angles to said centerline 22 feet, more or less, thence leaving said point of beginning and the south side of Pennsylvania Avenue and running and binding on (3) the west side of Jefferson Avenue, with all courses of this description referred to the Grid Meridian established in the Baltimore County Metropolitan District, (1) South 11 degrees 53 minutes 45 seconds West 102.69 feet, thence leaving the west side of Jefferson Avenue and running (2) North 82 degrees 26 minutes 55 seconds West 111.94 feet, thence (3) South 11 degrees 41 minutes 04 seconds West 98.31 feet, thence (4) North 83 degrees 07 minutes 25 seconds West 143.55 feet to

Page 1 of 2

Intersect the east side of Virginia Avenue, variable width, thence running and binding thereon (5) North 11 degrees 38 minutes 05 seconds East 200.00 feet to intersect the south side of Pennsylvania Avenue, and running and binding thereon (6) South 83 degrees 01 minutes 05 seconds East 286.11 feet to the point of beginning; containing 0.94 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 22, 1988
Our Job No. BA128-B (184128B)

W. H. Halls
W. H. Halls
111 West Chesapeake Avenue
Towson, Maryland 21204

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 221
Posted for: 124 Virginia Avenue Limited Partnership
Petitioner: 124 Virginia Avenue Limited Partnership
Location of property: 124 Virginia Avenue, 10' from road
Location of Sign: 124 Virginia Avenue, 10' from road
Remarks: On property of Petitioner
Posted by: *W. H. Halls*
Number of Signs: 1

Northeast Towson Improvement Association, Inc.
441 EAST PENNSYLVANIA AVENUE
TOWSON, MD 21204

Attention: J. Robert Haines
Zoning Commissioner
Baltimore County Zoning Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Comment Form
(Please Print)

Name: *Evelyn Noel*
Address: *423 E. Pennsylvania Ave.*
Comments: *East Towner & I oppose Variance # 90-184-A which would allow a rear yard of 9 feet instead of 20 feet.*

RECEIVED
DEC 1 1989
ZONING OFFICE

Nov. 20

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: November 9, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 90-184A
424 Virginia Avenue Limited Partnership, Item 38

The Petitioner requests a Variance to permit a street corner setback of 4 feet from widened Jefferson Avenue in lieu of 10 feet, and to permit a rear yard of 9 feet in lieu of the required 10 feet.

Based upon the information provided and analysis conducted, staff recommends approval of the Petitioner's request subject to the following:

- Comments made by Baltimore County staff on the Towson Plan Update suggest that any right-of-way widening on Virginia Avenue should occur on the west side of the street in order to lessen the impact on existing residences. The Petitioner's plan indicates a 58 1/2 ft. variable right-of-way with most of the widening occurring on the west side of Virginia Avenue.
- A landscape plan that includes streetscape, treatment of the courtyard, and the area adjacent to the elevator and stair shaft, shall be reviewed and approved by the Director of the Office of Planning and Zoning or his designee prior to the issuance of building permits. Streetscape provided within the public right-of-way shall be maintained by the property owner.
- A minimum 25 ft. building setback shall be maintained from the face of the curb.
- A minimum 10 ft. side and rear setback should also be maintained.

11/14/89 Called to inform about late comments for plan.

NOV 15 1989

- Architectural elevations including building materials shall be reviewed and approved by the Director of the Office of Planning and Zoning prior to the issuance of building permits. Section 502.1 of the B.C.Z.R. outlines general standards for the review of Special Exceptions, Section 259.2 states that the C.T. District is designated for "primary shopping areas within town centers." In accordance with the high profile of Towson as the government seat, medical, and education center of the County, special consideration for the architectural quality of the area should be carefully rendered. The 1979 and proposed 1989 Towson Master Plan point out the need for architectural quality in Towson.

PK:JL:gg1
ZF90184A

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989

ZONING OFFICE

August 25, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/LW

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2886
(301) 887-4500
Paul H. Reincke
Chief

AUGUST 11, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: 424 VIRGINIA AVENUE LIMITED PARTN.
Location: CORNER OF W/S OF JEFFERSON AVE.
Item No.: 38 Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

AUG 16 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: November 16, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 90-184A
424 Virginia Avenue Limited Partnership, Item 38

The Petitioner requests a Variance to permit a street corner setback of 4 feet from widened Jefferson Avenue in lieu of 10 feet, and to permit a rear yard of 9 feet in lieu of the required 10 feet.

Based upon the information provided and analysis conducted, staff recommends approval of the Petitioner's request subject to the following:

- Comments made by Baltimore County staff on the Towson Plan Update suggest that any right-of-way widening on Virginia Avenue should occur on the west side of the street in order to lessen the impact on existing residences. The Petitioner's plan indicates a 58 1/2 ft. variable right-of-way with most of the widening occurring on the west side of Virginia Avenue.
- A landscape plan that includes streetscape, treatment of the courtyard, and the area adjacent to the elevator and stair shaft, shall be reviewed and approved by the Director of the Office of Planning and Zoning or his designee prior to the issuance of building permits. Streetscape provided within the public right-of-way shall be maintained by the property owner.
- A minimum 25 ft. building setback shall be maintained from the face of the existing curb.
- A minimum 10 ft. side and rear setback to the existing right-of-way should also be maintained.

Revised Comment

- Architectural elevations including building materials shall be reviewed and approved by the Director of the Office of Planning and Zoning prior to the issuance of building permits. Section 502.1 of the B.C.Z.R. outlines general standards for the review of Special Exceptions, Section 259.2 states that the C.T. District is designated for "primary shopping areas within town centers." In accordance with the high profile of Towson as the government seat, medical, and education center of the County, special consideration for the architectural quality of the area should be carefully rendered. The 1979 and proposed 1989 Towson Master Plan point out the need for architectural quality in Towson.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:gg1
ZF90184A

- General Notes
- Applicant: 424 Virginia Avenue Limited Partnership
200 East Pennsylvania Avenue
Towson, Maryland 21204
(301) 290-3333
 - Election District 9, Councilmanic District 4, Census Tract 4902
 - Waterways 23; Superhighway 35.
 - Site Data:
 - Current Zoning: AM-CT, R0
 - Site Address: 424 VA. AVE.
 - Mc Acreage: 0.326 Acres

- Estimated Average Daily Trips:
35,000 S.F. office at 17.7/1000 S.F. = 620 A.D.T.'s
- The No. 8 Towson MTA bus services this area.
- A request for a stormwater management waiver has been approved.
- There are no known existing wetlands, significant geologic formations, unusual natural formations, archeological sites, critical areas, endangered species habitats, or hazardous materials on the site.
- Hours of operation are anticipated to be 7:00 a.m. to 6:00 p.m.

- All signs will be in accordance with the Baltimore County Zoning Regulations Manual.
- All outdoor lighting will be attached to the proposed building and directed away from adjacent residential properties.
- The proposed building will be made of stucco and glass to match the existing office building.
- A zoning variance to 0.325:1 will be sought to permit a 10' rear yard setback in lieu of the required 20' setback and a 6' side setback.
- Special exception to allow a Class B office in an R0 zone Case 680-462 was approved on May 14, 1986.
- This ORG is a concept document on which minor changes may occur. Nothing may be construed as a binding agreement.
- Buildings are less than 60' basic height as allowed in BM-CT zone.

Proposed
BM-CT
R.O.
Ex. Gen. Ofc.
11,158 S.F.
Prop. 1st Fl. 460
2nd/3rd Fl. Gen. Ofc. (Class B) 35,000
Total BM-CT 46,158 (1.25 FAR)
R.O.
Ex. Gen. Ofc.
8,500 S.F.
(0.5 FAR)

Proposed
BM-CT
R.O.
Ex. Gen. Ofc.
11,158 S.F.
Prop. 1st Fl. 460
2nd/3rd Fl. Gen. Ofc. (Class B) 35,000
Total BM-CT 46,158 (1.25 FAR)
R.O.
Ex. Gen. Ofc.
8,500 S.F.
(0.5 FAR)

4. Amenity Open Space:
Required = 17,119 S.F. x 0.25 = 4,280 S.F. R0
46,618 S.F. x 0.1 = 4,662 S.F. BM-CT
Provided = 4,288 S.F. R.O.
5,350 S.F. BM-CT

5. Parking:
Required:
Ex. Gen. Ofc.
1st Fl. 13,258 S.F. x 3.3/1000 = 44 spaces
Basement and 2nd Fl. 0.400 S.F. x 2.0/1000 = 13 spaces
Prop. Gen. Ofc.
2nd - 5th Fl. 35,000 S.F. x 2/1000 = 70 spaces
Total 127 spaces
(40% compact, 5 h/c)
Provided:
Pennsylvania Ave. 63 spaces
(40% compact, 5 h/c)
Leased
Total Phase 1 153 spaces
(40% compact, 5 h/c)

Construction is contingent upon securing sufficient parking. Ninety spaces will be leased from the proposed Revenue Authority garage at Virginia and Chesapeake Avenues. Sufficient evidence shall be supplied upon application for building permits as to such lease as specified in Section 400.7.C of BCLM.
Parking shall be designed in accordance with section 409.6 BCLM.

6. Landscape Planting:
Required:
569 LF Adj. R/W @ 1/40 = 15.0 Trees (6 Maj. Dec.)
63 Parking Sp. @ 1/12 = 6.0 Trees (6 Maj. Dec.)
Total 21.0 Trees (14 Maj. Dec.)
72 LF of screening and 363 LF of 8' planting area are also required.
Proposed = 21 Trees (14 Maj. Dec.) Minimum
72 LF of screening and 363 LF of 8' planting area will also be provided.

All planting will be in accordance with the Baltimore County Landscape Manual. A modification of standards will be sought to reduce the amount of planting required for the 8' planting area.

7. There are no known existing or proposed wells or septic areas on the site.

8. Soils:
Limitations
Soil Series Hydro With Without Street &
and Symbol Class Resistance Base/Miner. Erosion
Climax (G/S) S Slight Slight Moderate Slope
The entire property and all surrounding properties are Class 1.

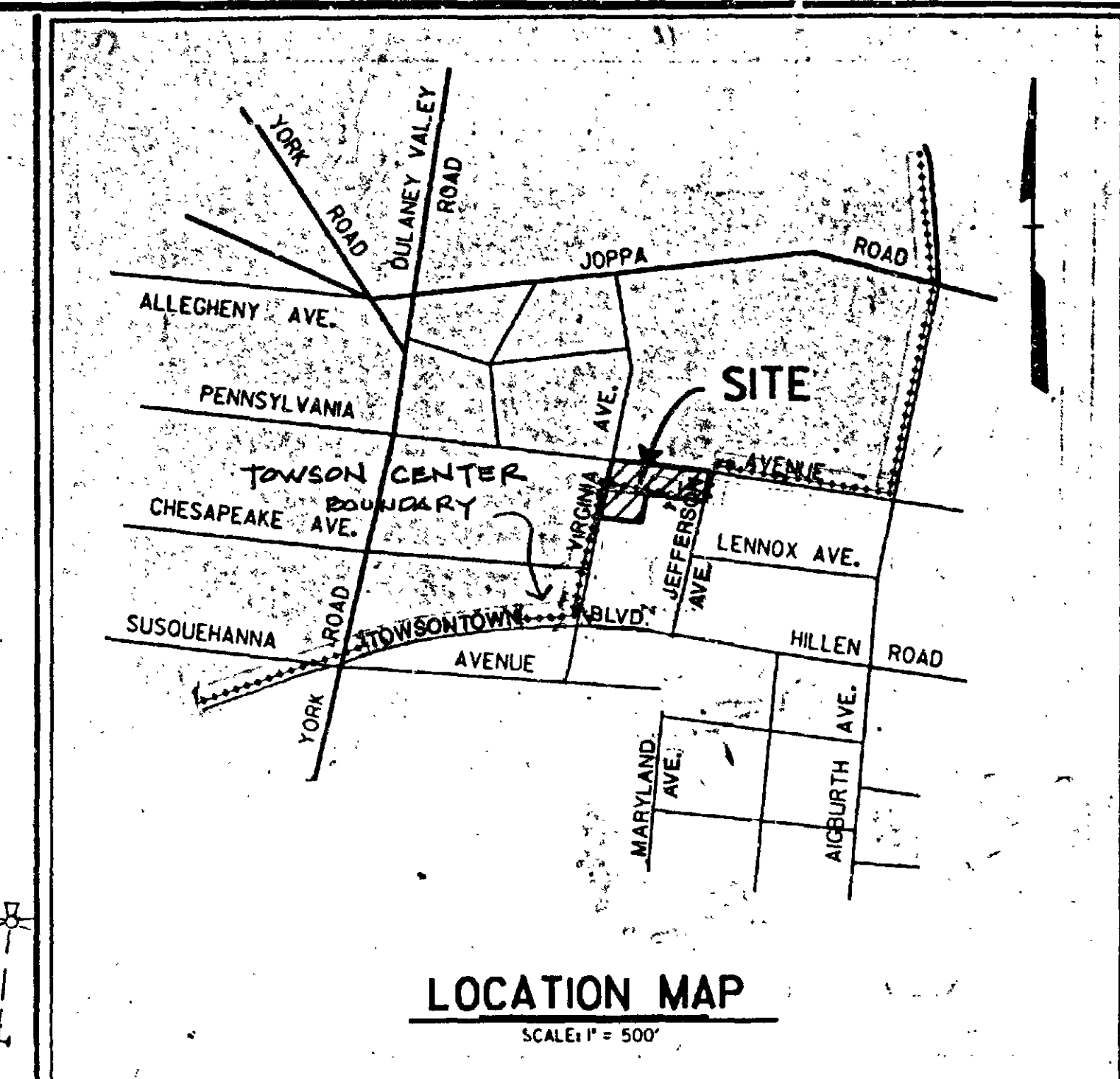
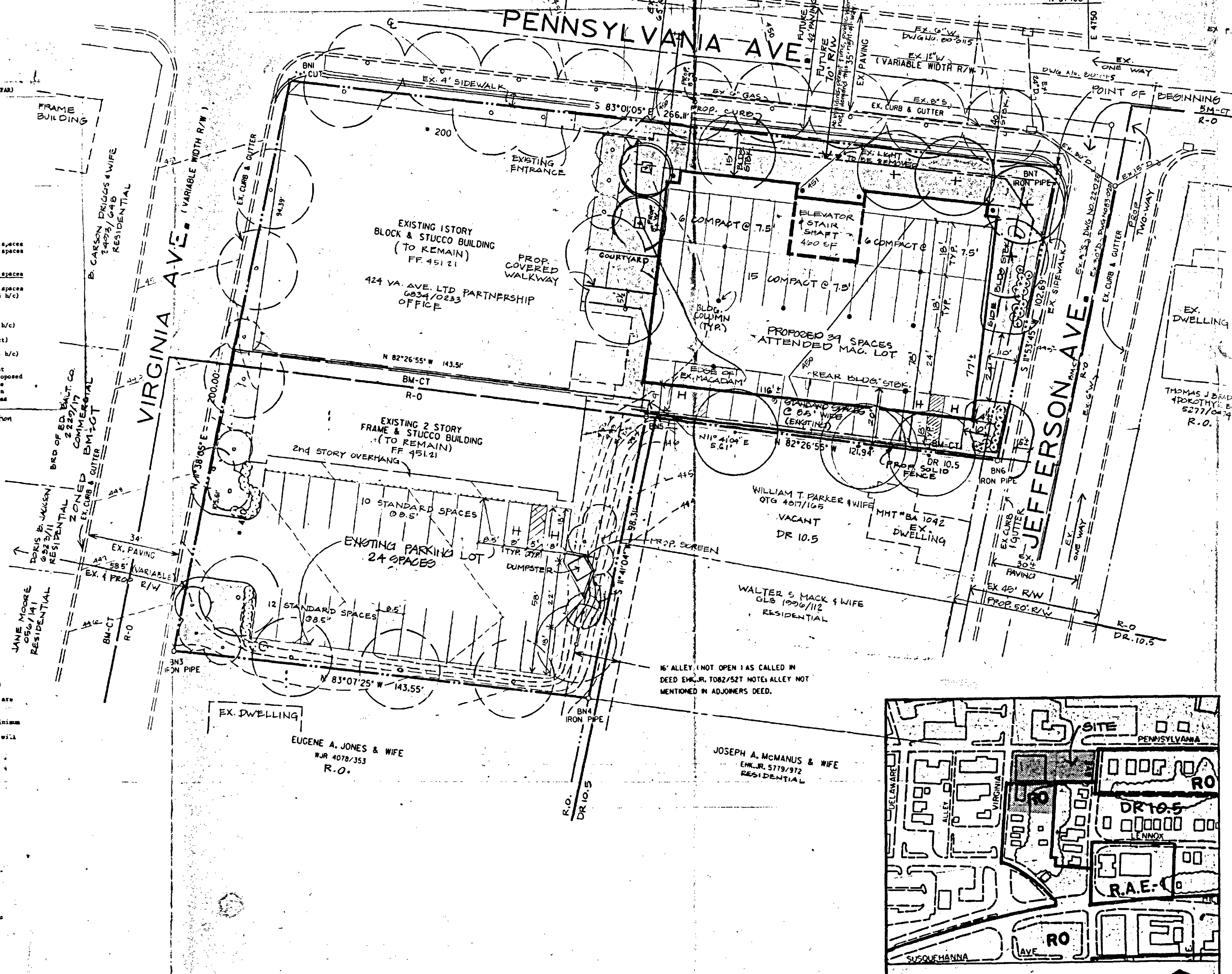
9. The site is primarily paved with no change in grades anticipated. Existing vegetation consists of ornamental planting which will remain.

10. There are no known existing streams, bodies of water, springs or flood plains.

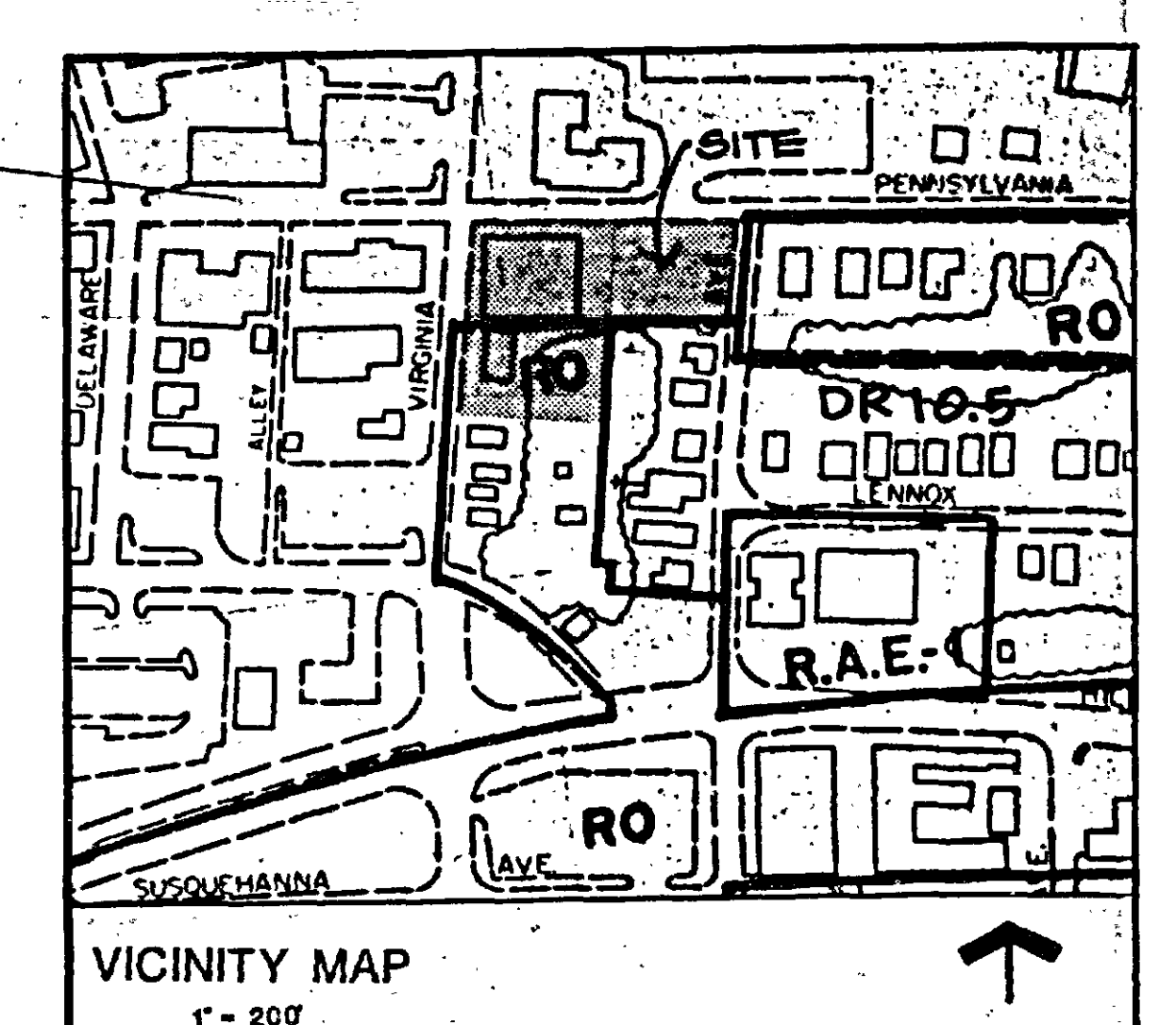
11. The existing structures are not on the Baltimore County Landmarks List or the National Register.

12. Current Ownership: 424 Virginia Avenue Limited Partnership
200 East Pennsylvania Avenue
Towson, Maryland 21204
(301) 290-3333

Used Reference: Liber 888-4 Folio 0545
Property Number: 09-2000010HLE



- LEGEND
- AMENITY OPEN SPACE
 - EXISTING MAJOR DECIDUOUS TREE
 - EXISTING MINOR DECIDUOUS TREE
 - EXISTING EVERGREEN TREE
 - EXISTING EVERGREEN SCREEN
 - PROPOSED MAJOR DECIDUOUS TREE
 - PROPOSED MINOR DECIDUOUS TREE
 - PROPOSED EVERGREEN SCREEN



PUBLIC SERVICE NO. 80147 PLANNING NO. 15-524

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 E. PA AVE.
TOWSON, MD. 21204
TELEPHONE: 301-296-3333

200 E. PENNSYLVANIA AVE.
Plan and Plat to Accompany
Zoning Petition

STATE OF MARYLAND
JULY 19 1983
DAFT · McCUNE · WALKER INC.

DATE REVISIONS
3.17.89 JEFF. R/W, NOTES 2, 11, 12, 13, DUMPSTER, ADJ. TREES
7.10.89 ZONING PETITION PLAN

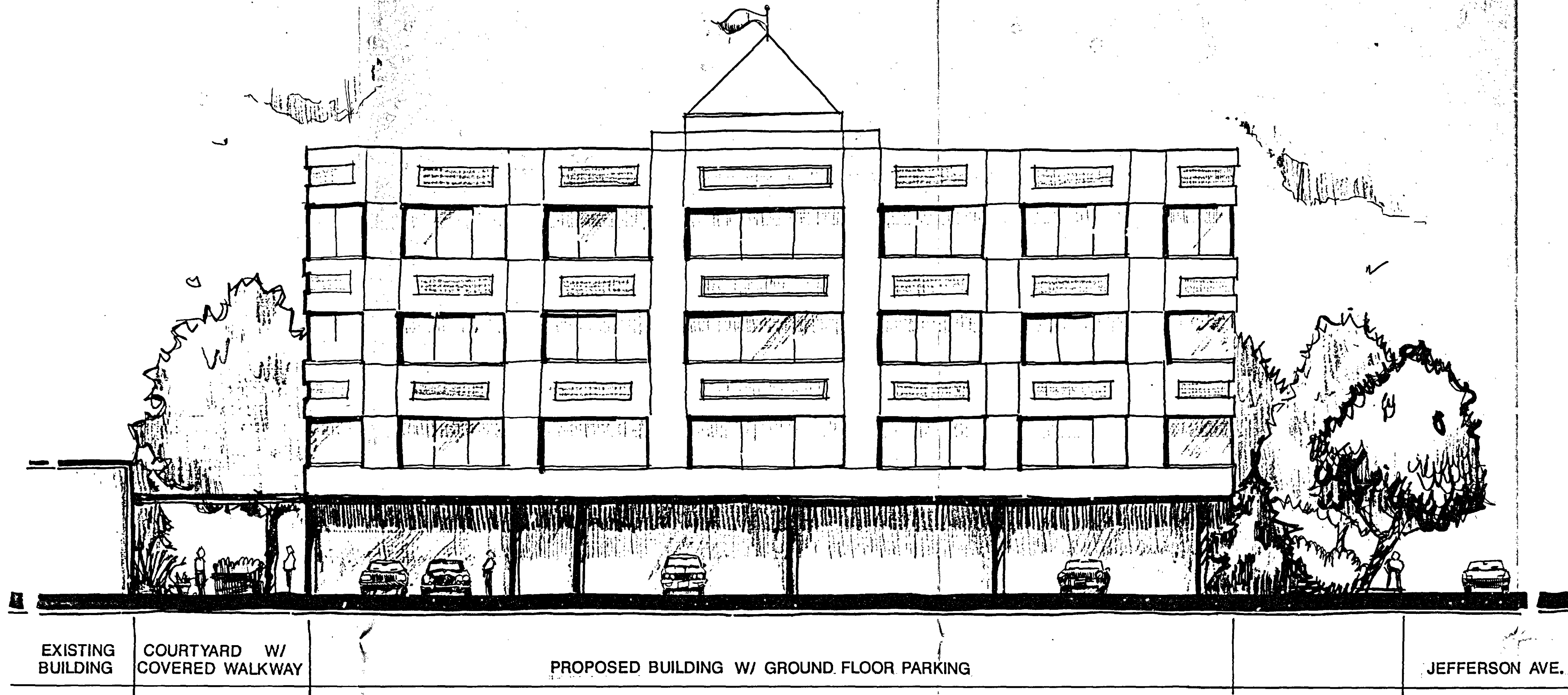
DATE REVISIONS
2.7.89 CO. 12.85 ADDED
7.14.89 PROP. ULDS. DIMENSIONS
9.22.89 PER PRE-SCG COMMENTS
9.27.89 PER COUNTY COMMENTS
2.15.89 REMOVE SUSQUEHANNA PARKING LOT, S.F. & LOCATION

SCALE:
1" = 20'
JOB ORDER NO.
84128-B
ISSUE DATE
8/5/88

PRINTED
JUL 19 1983
DAFT · McCUNE · WALKER INC.

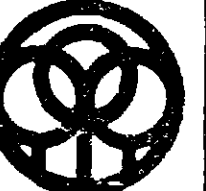

1/1

Petitioner's Exhibit 2



REAR ELEVATION
1/8"=1'-0"

PETITIONER'S
EXHIBIT 72

 DAFT - McCune - Walker Inc. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS 530 EAST JOPPA ROAD TOWSON, MD. 21204 TELEPHONE: 301-296-3333	
200 E. PENNSYLVANIA AVE. OFFICE EXPANSION CRG PLAN	
	
DATE	REVISIONS
2-15-87	ELIM. SUSQUEHANNA LOT
SCALE:	
AS SHOWN	
JOB ORDER NO.	
84128-B	
ISSUE DATE	
8/5/88	
2/4	

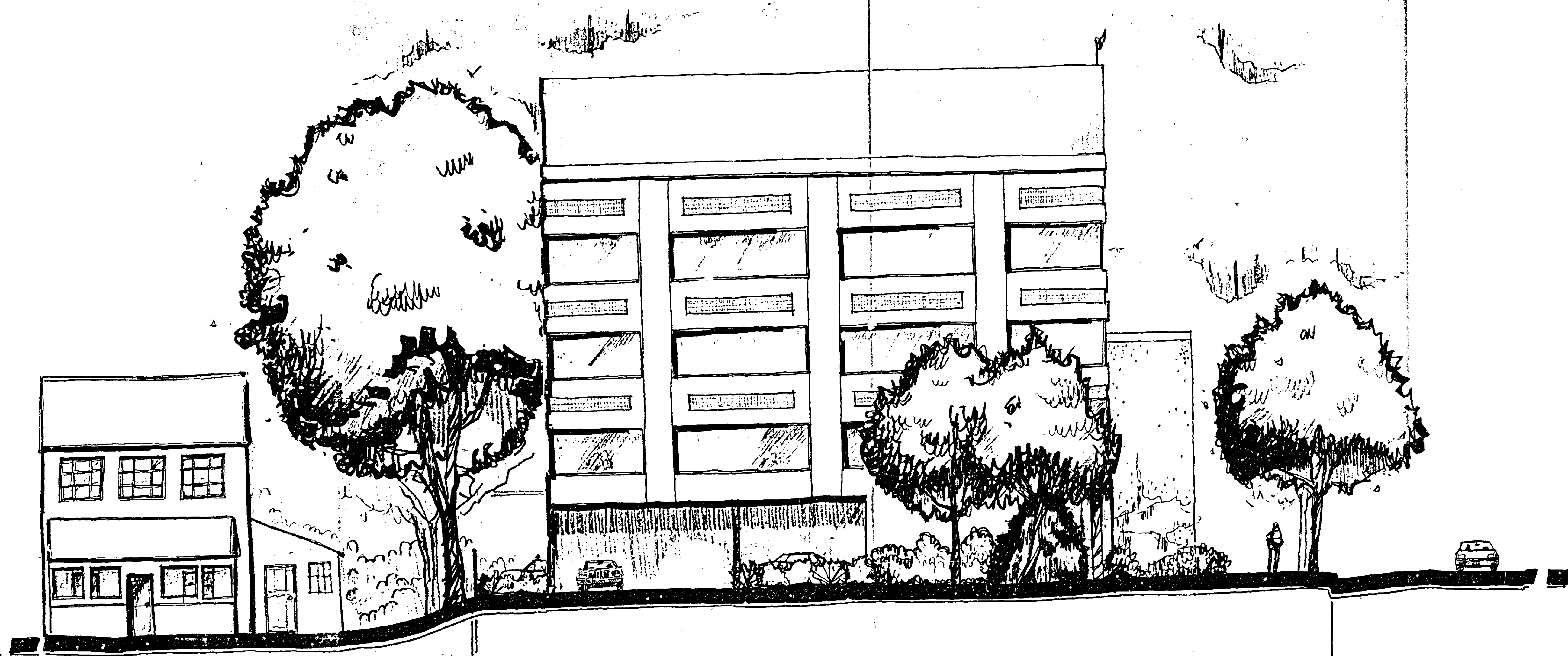
A black and white architectural sketch of a large, symmetrical building. The building features a central tower with a triangular roof and a flag on top. The main body of the building is composed of several stories with a grid of windows. In front of the building, there are several large, leafy trees. A few small figures of people are visible near the base of the trees. On the far left, a small car is parked. The sketch is done in a simple, line-art style.

EXISTING BUILDING

$$1/8" = 1'-0"$$

**PETITIONER'S
EXHIBIT 3**

Petitioner's
Exhibit 4



EX. HOME PARKER RESIDENCE

PROPOSED SOLID
WOOD FENCE


PROPOSED BUILDING W/ GROUND FLOOR PARKING

PENNSYLVANIA AVE.

SIDE ELEVATION

1/8"=1'-0"

**PETITIONER'S
EXHIBIT 4**

 DAFT • McCUNE • WALKER INC. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS & SURVEYORS 200 E. PENNSYLVANIA AVE. TOWSON, MD. 21204 TELEPHONE: (301) 284-2333	
200 E. PENNSYLVANIA AVE. OFFICE EXPANSION CRG PLAN	
DATE	REVISIONS
SCALE: AS SHOWN JOB ORDER NO. 84128-B ISSUE DATE 9/29/88	
4/4	